



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 03/16/04

AGENDA ITEM 5

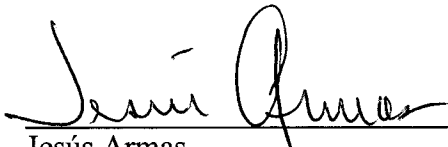
WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: City Manager

SUBJECT: Resolution Reaffirming Support of the Living Wage Ordinance

At the conclusion of the February 24 worksession, Councilmember Bill Ward requested that this item appear on your agenda for action. As drafted, the accompanying resolution reiterates support for the living wage ordinance and encourages other jurisdiction with similar legislation to assure compliance with its provisions.


Jesús Armas
City Manager

Attachment

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION REAFFIRMING SUPPORT OF THE LIVING
WAGE ORDINANCE

WHEREAS, the City of Hayward awards contracts to private firms to provide services to the Public and to City Government, and

WHEREAS, the City of Hayward adopted a Living Wage Ordinance in April 1999 for City contracts in excess of \$25,000 in order to assure strong city services and livable wages in Hayward and the surrounding communities; and

WHEREAS, the Hayward Living Wage Ordinance established a wage of \$8 per hour with health care benefits and \$9.25 without benefits for workers performing work in such City contracts with the wage rate to be adjusted annually for cost of living increases, that workers be compensated for 12 paid days off per year; and

WHEREAS, the living wage for this year is \$9.26 per hour with benefits and \$10.71 without benefits; and

WHEREAS, Cintas Corporation's San Leandro facility had a contract in excess of \$25,000 per year with the City of Hayward for four years, beginning in 1999 and ending in 2003; and

WHEREAS, Cintas agreed to pay workers the Hayward through the contract policies and was reminded of this responsibility on city invoices; and

WHEREAS, Cintas San Leandro workers filed suit under the right of private action, claiming that they were not paid the Hayward-mandated living wage nor given the 12 paid days off per year, throughout the duration of Cintas' relationship with the City; and

WHEREAS, Cintas responded to worker demands for legally-mandated living wages by quickly and unilaterally ending uniform laundry service to the City, leaving many City employees without uniform service for several weeks; and

WHEREAS, Cintas further responded to the workers' lawsuit by seeking to deny the workers claims and overturn the Hayward's Living Wage Ordinance; and

WHEREAS, the City of Hayward became a party to Cintas' workers living wage suit in order to defend the legality of the Living Wage Ordinance; and

WHEREAS, Cintas has filed a legal claim, which argues that cities and other government entities have no right to impose conditions on contractors who perform work outside of the entity's geographic boundaries; and

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Hayward reaffirms its support of its living wage ordinance.

BE IT FURTHER RESOLVED, the City Council of the City of Hayward urges other Cities, Counties and government entities with living wage laws or other laws governing local contracts to assure that entities doing business in those jurisdictions act in compliance with such laws.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2004

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward